## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

COMPLEX SYSTEMS, INC.,

CIVIL ACTION NO. 08 CV 7497 (LBS)

ECF CASE

Plaintiffs,

ABN AMRO BANK N.V.

v.

Defendant.

## **DECLARATION OF JOHN C. GARCES, ESQ.**

I, John C. Garces, Esq., declare as follows:

- I am an attorney admitted to practice in the State of New York and before the United States District Court for the Southern District of New York. I am a Special Counsel with the law firm of Schulte, Roth & Zabel, LLP, which represents Defendant ABN AMRO BANK N.V. ("ABN") in the above-identified litigation. I make and submit this Declaration in support of ABN's Memorandum Of Law In Support Of Motion To Dismiss First And Second Causes Of Action For Copyright Infringement Under Rule 12(b)(1) ("Memorandum") and, in particular, in support of Exhibits 1-4 identified in the Memorandum and attached hereto.
- 2. Attached as Exhibit 1 is a true and correct copy of Defendant's Complaint and attachments filed in this matter on August 25, 2008.
- 3. Attached as Exhibit 2 is a true and correct copy of a Certificate of Registration identified as TXU 1-579-553, for the work entitled BankTrade Version 8.0 having a

date of August 6, 2008. The Certificate of Registration was obtained on behalf ABN from the

United States Copyright Office.

4. Attached as Exhibit 3 is a true and correct copy of the materials deposited

as obtained from the United States Copyright Office. The Deposit Materials were obtained on

behalf of ABN from the United States Copyright Office.

5. Attached as Exhibit 4 is a true and correct copy of Circular 61

Rev:07/2008 entitled "Copyright Registration for Computer Programs," which is publicly

available and was obtained from the United States Copyright Office website at the following

address: http://www.copyright.gov/circs/circ61.pdf.

I declare under penalty of perjury under the laws of the United States of America

that the foregoing is true and correct.

Dated: New York, New York

November 17, 2008

s/ John C. Garces

John C. Garces, Esq.

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